

4.3 Application and Review Process/ Common Omissions and Errors

Applicability:

Provides examples of common omissions and errors made by applicants, or their representatives, when completing applications for construction or operating (NPDES) permits.

Content:

The accuracy of a permit depends on the accuracy of the information provided in the application.

If an application is incomplete or incorrect, the application must either be returned or the applicant contacted to provide either clarification or more accurate information. For some omissions, such as the lack of a proper signature, the application will have to be returned. For others, it may only be necessary to call the applicant to get the necessary information or to clarify the information that was provided.

Perhaps the most common omission is the failure by the applicant to complete all applicable spaces on application forms. The form should either have information supplied in the various spaces or an indication that the information requested is "not applicable" (NA). If a space is left blank, it will be necessary to make a judgement as to whether or not the requested information is really essential for proper completion of the application. In general, the application should be filled out as completely as possible but in actual practice this is often not the case.

Information submitted should be accurate, in addition to being complete. Assessing accuracy can be difficult. The permit writer should examine at least a representative sample of mathematical calculations, data and parameter values to determine if the information provided is reliable or not. Some techniques that can be used to check accuracy include:

- Verifying flow data with a water balance calculation or a population equivalent analysis,
- Determining if the concentration, mass and flow values correspond, and if concentration values correspond with analytical detection limits, and
- Checking sizing calculations for lift station pumps and treatment system components.

The following items are some examples of common errors and omissions encountered and reported by EPA and departmental staff related to operating permit and construction permit applications.

- The wrong application form was used, or the applicant did not submit all the forms required for the type of permit desired.
- The application was not signed or was signed by a person not considered to be an "authorized representative under 10 CSR 20-6.010". As an example, it is generally not acceptable for an engineering consultant to sign the application for a client.
- Copies of the application forms were submitted rather than originals, so an original signature is not provided.
- A proper address is not provided. For physical facilities, such as a treatment plant or a lift station, there must be a physical address provided. For owner or continuing authorities, it is permissible to have a post office address. In both cases, the address must include the city and zip code.

- The names and/or addresses of the downstream property owners are not provided. These must be sufficiently detailed so that mail can be delivered to these people.
- A proper legal description is not provided or is incorrect. This should be verified by referral to USGS Topographic maps, county highway maps or other sources. The minimum legal description is a section, township, range, and county. It is highly desirable to have the legal description down to the ¼ & ¼ subsections. In some rare cases (such as the City of St. Louis), such a legal description does not exist and all that can be provided is a projected section, township, and range.
- A USGS topographic map is not provided with the application. Or, a map may be provided but it is not of an appropriate scale and does not show all of the information requested in the application instructions. Examples of omitted information include the location of outfalls and the failure to draw the location or outline of the facility on the map.
- Applications for wastewater treatment facilities are required to provide a process flow diagram as part of the application. In some situations (such as lagoons), the facility description is all that is needed but in situations where the process flow is sufficiently complicated, a process flow diagram should be included.
- The lack of a clearly stated and proper Continuing Authority, as specified in 10 CSR 20-6.020(3) is a common problem/omission with applications. Some problems include: failure to obtain waivers from “higher” level authorities; failure to designate a permanent organization to be responsible for the long-term operation, maintenance and modernization of the facility; failure to get a letter of acceptance from that permanent organization; or failure to submit complete property owners’ association documentation.
- Failure to get the needed site surveys and reports, or approvals, from DGLS and the Army Corps of Engineers (i.e. 404 permits and the accompanying 401 certification).
- The facility descriptions are incomplete or missing.
- Proper effluent characterization data is not submitted to support the application. Examples include facilities not submitting data not derived from proper sampling, sample types or analytical procedures; “majors”, pretreatment facilities and POTWs with flows greater than 1 mgd not submitting valid WET Testing; POTWs and other domestic waste facilities not submitting necessary sludge data and disposal information; toxic pollutant testing data not being submitted by “primary” industries; and industries not submitting production or flow information if required to do so.
- Failure to submit engineering and economic calculations to justify construction permits for lift stations and pressure sewer systems.
- Failure by pretreatment facilities to submit an evaluation of the local limits that is required with applications for permit renewal.

The permit writer is at least partially responsible for the completeness and accuracy of any permit issued by the Department. Some permit processing can proceed if the permit writer, through communications and correspondence with the applicant, believes that omissions and errors will ultimately be corrected before the permit is finalized. These communications should be documented in the file.

Legal References:

Code of State Regulations

[10 CSR 20-6.010\(2\)](#)

Construction and Operating Permits
(2) Permit Applications

[through \(6\)](#)

- (3) Continuing Authorities
- (4) Construction Permits (CP)
- (5) Operating Permits
- (6) Sewer Extensions

Other Links:

[U.S. EPA NPDES Permit Writers' Manual](#), in particular Section 4.3, Review of the Application

[4.6 Completing Permit Application Forms](#) (multiple topics)

[4.7 Review of the Permit Application](#) (two topics)

Key Words:

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